In short, Mary has an excellent background to lead the Tax Division. She has litigation experience, management experience, DOJ experience, and tax experience. None of the previous heads of that office had all of these qualifications combined.

One of those prior Tax Division leaders, Nathan Hochman, has come forward in support of Mary Smith's nomination. Mr. Hochman was the head of the Tax Division under President George W. Bush, so he's not exactly a partisan Democrat. Mr. Hochman wrote a letter to the Senate and said the following:

I am confident Mary will provide strong leadership for the [Tax] Division and is a good choice. . . . Mary's private practice experience in complex financial litigation gives her a working background for the type of cases litigated by the [Tax] Division.

I would suggest that President Bush's Tax Division leader has a better understanding of what it takes to lead the Tax Division than a handful of Senators.

Ted Olson is another prominent Republican who supports Mary Smith for this position. Mr. Olson is one of the most respected lawyers in America and he served as the Solicitor General at the Justice Department under President George W. Bush. He worked closely with the Tax Division and represented that office in cases before the Supreme Court.

Ted Olson wrote a letter to the Senate and called Mary Smith ''a first-rate litigator'' and ''a fine choice to be this nation's Assistant Attorney General for the Tax Division.''

The Senate has received dozens of other letters of support for Mary Smith, including many from our Nation's leading Native American leaders. They are eager for the Senate to confirm Mary so she can become the highest ranking Native American in the history of the Justice Department.

The month of November is National American Indian and Alaska Native Heritage Month. We would honor our Native American community by confirming Mary Smith this month.

I urge my Republican colleagues to stop blocking this important nomination and agree to a vote on my Illinois constituent, Mary Smith.

Mr. BUNNING. Madam President, I rise today to speak in opposition to the nomination of Judge David Hamilton for the Seventh Circuit Court of Appeals.

First of all, I would like to speak on the state of the judicial nomination process in the Senate. For several weeks now, I have listened to my colleagues on the other side of the aisle speak on this floor about so-called obstructionism by the minority regarding judicial nominations. For 214 years, the U.S. Senate enjoyed a tradition of holding fair up-or-down votes on judicial nominees regardless of the Senate's political makeup. Beginning in 2003, my colleagues on the other side of the aisle ended that tradition when they successfully filibustered 10 judicial nominations by President Bush whom they considered ''out of the mainstream.'' At the time, we insisted that this was a bad and inefficient precedent to set. However, the other side insisted on traveling down that road. Now the majority claims that if we in the minority care about the good of the country, we should just let any judicial nomination by the President sail through the Senate without any objection. I would encourage those Senators to come to my office to listen to the hundreds of Kentuckians who call and write every day in opposition to the nomination of Judge Hamilton and tell those people that they are being ''obstructionists.''

Judge Hamilton's judicial record is not only insufficient for the Seventh Circuit, it is downright scary. He prides himself on blatant judicial activism. On multiple occasions, Judge Hamilton has argued that judges have the power to change the Constitution when making court decisions. He has stated:

part of our job here as judges is to write a series of footnotes to the Constitution.

If Judge Hamilton would have properly read the Constitution, I am sure he would have realized that it explicitly says that Congress is the only branch which has the authority to make any kind of additional mark to that document.

Looking at his record, Mr. Hamilton has issued some very troubling rulings on child predators. He specifically invalidated a law that required convicted sex offenders to provide information to law enforcement agencies for tracking purposes. In another instance, Mr. Hamilton petitioned the President to grant clemency for someone guilty of producing child pornography. The Supreme Court only hears a small fraction of petitioned cases, and, in many cases, precedent is set at the circuit level. Does anyone want someone on the bench setting this kind of precedent?

Furthermore, in practicing his judicial activist point of view, Judge Hamilton struck down an Indiana law that simply required women to receive medical information on the effects of an abortion before going through the procedure. This is a commonsense law and similar laws have never been invalidated by any other judge in the country. The Seventh Circuit Court, to which Mr. Hamilton has been nominated, reversed and was harshly critical of this ruling. The Seventh Circuit reversed another outlandish ruling of Judge Hamilton's. He prohibited prayer in the Indiana House of Representatives that mentioned Jesus Christ, but inconsistently allowed prayers that mention Allah. These outline a very troubling pattern on the bench.

If any of the President's judicial nominees deserve scrutiny, Judge Hamilton is one of them. His record is clearly out of the mainstream of public opinion and he clearly is motivated to push his own political agenda. A good judge is able to set aside his or her own personal opinions when deciding cases. I do not believe that Judge Hamilton can do this. I strongly encourage my colleagues to oppose this nomination.

Mr. DODD. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CREDIT CARD RATE FREEZE ACT OF 2009

Mr. DODD. Madam President, I wish to make some brief comments. I will yield to my colleague from Colorado, Senator UDALL, in a moment, and then at the conclusion of his comments I will propound a unanimous consent request. I will not do that until I know there is an objection that will be rendered, and I would certainly wait until I know that is coming. I will not, obviously, make the request until that person arrives so they can express their objection. Regretfully, I might add, they are going to express that objection, but, nonetheless, I don't want them to be worried that I would somehow try to sneak this in, knowing there is an objection to be filed.

I rise this afternoon in support of legislation that would do something that I think most Americans would support as well, regardless of where you live and what your economic circumstances may be; that is, to freeze interest rates on existing credit card balances until the full protections of the Credit Card Accountability Act we wrote earlier this year go into effect. As many of my colleagues will recall, on a vote of 90 to 5, we passed a bill early this year by a near unanimous vote because we all heard the same stories from our constituents across the country: Credit card companies charging outrageous fees; consumers finding out that the interest rates had been jacked up for no apparent reason whatsoever; families struggling to make ends meet and being driven further and further and further into debt by what I would describe as abusive practices.

On that day, on the day we passed the bill, we declared that credit card companies were unfairly padding profits at the expense of the people we work for, so we put a stop to it. Today, it is no different, unfortunately. Knowing that the Credit Card Act will finally protect consumers from these abuses, the industry has tried to make one last grab for their customers' pocketbooks, and that is what has been going on over these past several months. I think this behavior is deplorable, to put it mildly. We can, once

again, put a stop to it, and that is what I will be proposing shortly.

The legislation I rise to discuss would immediately freeze interest rates on credit cards to ensure that Americans are protected until the full provisions of that law go into effect in February. The holiday season is upon us. Hard-pressed Americans want to go out and do what they can to help their families and to celebrate at a very difficult time. Some joy—and a lot of that will have to occur, obviously, by taking a credit card out to make those purchases during the holiday season, the Thanksgiving break coming up, for putting food on the table, traveling, calling a family member, calling a friend. All those activities, to some degree, given the hardship people are feeling, will require them to use that credit card in too many cases.

To do so, of course, they are watching in this window an industry continuing to skyrocket these rates as well as these fees on people.

Let me tell my colleagues something: The reason we allowed a gap period between the passage of the legislation and the imposition of the regulations or the statutory requirements was because the industry came to me and said: Senator, we are going to need some time to administer—to change how we provide these kinds of benefits to people, so would you give us a little window here to operate. On the basis of that request, we did so. They wanted longer, but we thought February was fine. If that had been what they had done, I think most of us would say we understand that. Unfortunately, they have taken that window and used it as a way to jam in on the consumers of this country, particularly at a time when, again, people are losing their jobs, their homes, their health care, their retirement, and the holiday season is upon us.

Every 6 months, card companies will be required, under our bill, to review each account they hit with a high rate hike since January of 2009 and reduce the rate if the customer has become less of a credit risk.

As consumers, obviously, we have a responsibility to spend within our means and to pay what we owe. We bear that responsibility. But the credit card industry as well has a responsibility to deal with their customers honorably. There is nothing honorable about what has happened with these significant rate increases and fees. Most importantly, they don't have a right to rip off American families, especially when the Congress has already gone on record opposing the very actions they are engaging in and doing so in a timeframe that was given to them to adjust to the new changes that will occur under the credit card legislation. Instead of fulfilling that obligation, they are using it as a window to grab as much as they can out of the pockets of hard-pressed consumers.

So let us help consumers have a break in all this. I see my colleague from Colorado and I will yield to him for a couple minutes and when he finishes his remarks I will make a unanimous consent request that we proceed to the immediate consideration of Calendar No. 189, the Credit Card Rate Freeze Act; further, that the bill be read a third time and passed, and that a motion to reconsider be laid upon the table with no intervening action or debate. This would provide us a window of about 12 weeks—that is what it amounts to, between now and the 1st of February—during this holiday season to put a stop to these outrageous rates and fees being charged to people.

I hope my colleagues, whether you agreed with the bill—although most did; 90 colleagues voted for the bill in the spring—why wouldn't you join us today in allowing 12 weeks for a freeze on these rates that are occurring to give our fellow citizens across this country a chance to meet these obligations.

With that, I yield to my colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I rise in support of the motion that has been made by the senior Senator from Connecticut, which requests consent for the Credit Card Rate Freeze Act. I wish to associate myself with his remarks. I am a proud original cosponsor of his bill. I wish to urge, as our chairman has, our friends on the other side of the aisle to lift their holds on this important legislation.

Credit card companies have forced unfair and abusive practices on American consumers for too long. I have fought for several years and introduced a number of bills that would put an end to these practices. We passed a law this year that will level the playing field for consumers and put an end to the worst abuses by February of next year.

Let me tell my colleagues what has been happening since then. Credit card companies are using that time before the new law goes into effect to get rate and fee hikes in under the wire. It is happening at the worst time possible, as the chairman pointed out. American families are struggling in a recessionary period. The last thing our families need is higher interest rates and extra fees, especially on consumers who are already playing by the rules.

This has been a classic case of a David versus Goliath situation. I say it is time to take on Goliath and stop credit card companies from gaming the system at the expense of American consumers. This bill Chairman DODD and I are supporting would provide consumers and small businesses who play by the rules a better foundation to pay off their debts, or to buy groceries and business supplies, and most important, they should get fair treatment from the credit card companies.

This is a critically important bill for economic recovery. It is the right thing to do. I urge my friends on the other side of the aisle to join us and allow it to move forward.

Mr. DODD. Madam President, I thank my colleague for his remarks. Many others have similar views on this. I regret that there is going to be an objection filed to a measure that would have allowed us to do something meaningful for our fellow citizens at this time of the year.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, S. 1927, the Credit Card Rate Freeze Act of 2009; further, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Madam President, on behalf of several Senators on this side of the aisle, I object.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I am sorry there is an objection. I will yield to the Senator from New Jersey. I will take the floor after the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, to my colleague from New York, Senator BENNET and I are here on a different matter. If the Senator will be brief, I am happy to wait until he finishes.

Mr. SCHUMER. I thank the Senator for his usual graciousness. I commend my colleague from Connecticut for the outstanding job he has done on this issue. I regret that the consent to move to the legislation has been blocked.

The bottom line is this: We know there are real problems in the credit card industry. We know that things are happening you would never imagine would happen. People are moving interest rates—maybe you had your balance at $4,000, 7 percent, and you know your family budget, and then it goes up to $23,000. This legislation would have stopped that.

What the banks are doing now is jumping the gun and moving things ahead in a way that is very wrong. To move up the date would simply make sure this legislation affects more people than it would have. It is a good idea. I hope we will still reconsider it later. I hope the public, who cares about this, will let all Senators from both sides of the aisle know how important this is.

With that, I thank the Senator from Connecticut. He has been such a leader in fighting for consumers throughout this session. He deserves every American's thanks.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I know my colleague from Colorado, Senator BENNET, wants to speak to this issue as well. He has been a champion, along with me and several others, to try to bring justice to an issue that is incredibly important.

It is no secret that decades of indifference and discrimination in lending practices at the U.S. Department of Agriculture have made it difficult for minority farmers—specifically Hispanic farmers—to make a living at what they love to do and have done, in many cases, for generations, leaving many no choice but to leave the farms and ranches they have tended to all of their lives.

In the year 2000, 110 Hispanic farmers brought a lawsuit against the U.S. Department of Agriculture for the same egregious discriminatory practices that resulted in a historic settlement with African-American farmers. For 8 long years, under the last administration, thousands of Hispanic farmers who joined the suit waited and waited and waited for justice. Some of them died waiting and will never be made whole. For 8 long years, the Bush administration did nothing.

These hard-working farmers, Hispanic families, who bought a piece of land and built a family farm—their small piece of the American dream—were wrongly denied loans and other benefits in violation of the Equal Credit Opportunity Act by county committees that review Farm Service Administration credit and loan applications for approval. Consequently, these farmers filed suit in the hope that it would change the discriminatory practices at the USDA, how it treated America's minority farmers; but under the Bush administration, nothing changed, the discrimination continued.

Then something did change. We got a new President and a new Secretary of Agriculture, who described past practices at the U.S. Department of Agriculture as ''a conspiracy to force minority and socially disadvantaged farmers off of their land.'' Consequently, the administration committed to appropriate $1.25 billion in the fiscal 2010 budget to settle some of the outstanding discrimination lawsuits but not all of them. To date, Hispanic farmers, women, and Native Americans have not yet seen a settlement.

We need to remedy this situation once and for all. The new U.S. Department of Agriculture Secretary needs to make these farmers whole. Secretary Vilsak has created a task force to review the park and civil rights complaints and announce new efforts for the U.S. Department of Agriculture to end any and all discriminatory practices, and I commend the secretary for addressing this lingering issue. But more needs to be done.

As I said, along with seven of my colleagues, in a letter to the President, quoting from that letter, we said:

> The U.S. Department of Agriculture's corrective role in this instance has been clearly laid out, and there remains no legitimate reason to delay action for any of the affected groups.

The fact is that 8 years after a do-nothing Republican administration that earned the U.S. Department of Agriculture the designation of ''the last plantation,'' putting people's lives and livelihoods at risk, we simply cannot wait any longer. Certainly, for example, Alfonso and Vera Chavez cannot wait any longer. The Fresno Bee reported last week that Mr. and Mrs. Chavez stopped farming 7 years ago when they could not get a USDA loan. In fact, they said they not only could not get the loan but they were discouraged from applying and, even worse, they believed they were given misinformation so they would not apply. To quote Vera Chavez, who told the reporter, ''It was like they didn't want us to have the money.''

Mr. and Mrs. Chavez owned 300 acres. They sold off 200 of those acres, shut down their packing house, and leased the remaining hundred acres to survive. Vera said, ''It is why we have been hanging onto those 100 acres, so my children and grandchildren can have a little piece of land we worked so hard to get. I am not going to give up. But we have written so many letters, had so many meetings, and nothing seems to be moving forward.''

We need to move this forward. It is about fairness, about doing what is right. When we see discrimination in any form, and when those who have been wronged because of their race, gender, or heritage are forced to sell what they have worked a lifetime to build—abandoned by the last administration that cared more about Wall Street than Main Street—we have to make things right for them, for people like Vera and Alfonso Chavez. We need to make sure that they can keep their farms and give them back their lives. All these farmers are asking for is a commonsense solution sooner rather than later, because they have waited long enough.

I received a letter that is addressed to the President. It is a letter from the named plaintiff in the landmark case Pigford v. Glickman. That was a case that brought together African-American farmers in that landmark decision, who were also discriminated against. The letter to the President by Mr. Pigford says, referring to Hispanic, Native-American, and women farmers:

> They have suffered the same discrimination by the United States Department of Agriculture as African American farmers. Just as USDA addressed the claims of African Americans on a classwide basis, it should similarly settle the discrimination claims of Hispanic and other minority farmers on a classwide basis.
>
> . . . Furthermore, it makes no sense for four minority groups to suffer the identical discrimination from the same federal agency and yet only one of those four groups to be compensated on a classwide basis.

It goes on to say:

> Mr. President, fundamental fairness and simple practice demand that you close the entire book on all discrimination at USDA and, consistent with section 14011, ''resolve all pending claims and class actions in an expeditious and just manner.''

I ask unanimous consent to have printed in the RECORD Mr. Pigford's letter to the President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 18, 2009.

President BARACK H. OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: As the named plaintiff in the landmark case Pigford v. Glickman, I urge you to direct the Secretary of Agriculture and the Attorney General to begin immediately good faith negotiations to resolve the pending discrimination lawsuits brought on behalf of Hispanic, Native American and women farmers pursuant to Section 14011 of the Food, Conservation and Energy Act of 2008 (''2008 Farm Bill''). They have suffered the same discrimination by the United States Department of Agriculture (''USDA'') as African American farmers. Just as USDA addressed the claims of African Americans on a classwide basis, it should similarly settle the discrimination claims of Hispanic and other minority farmers on a classwide basis.

As you may be aware, between 1997 and 2000, in addition to my lawsuit, three other identical lawsuits were filed in the same courthouse: my suit on behalf of African American farmers, Keepseagle v. Glickman on behalf of Native American farmers, Garcia v. Glickman on behalf of Hispanic farmers and Love v. Glickman on behalf of women farmers.

In my case and the Keepseagle case, two different judges (Friedman and Sullivan) certified the cases as class actions on the basis of USDA's admitted failure to investigate discrimination complaints filed by African American and Native American farmers at USDA's behest. USDA failed to investigate the complaints because it had secretly dismantled its civil rights investigatory apparatus in the early days of the Reagan Administration. In the Love and Garcia cases, however, a different judge, Judge Robertson, refused to certify classes on the same basis that Judges Friedman and Sullivan had applied in my case and Keepseagle, respectively, notwithstanding the fact that the D.C. Circuit had renewed those certifications on at least three occasions and had found no fault with the certifications. Indeed, in my case, the D.C. Circuit expressly approved a settlement that has to date resulted in nearly $1 billion being paid to approximately 15,000 African American farmers.

While USDA and DOJ use the lack of class certification as an excuse to refuse to bring about a just and efficient resolution of these cases through negotiations of classwide settlements, such excuses ring particularly hollow. First, USDA and DOJ have steadfastly refused to settle the Keepseagle case despite the fact that it was certified as a class action eight years ago. Second, tens of thousands of African American farmers who missed the filing deadline to participate in the settlement in my case have filed new lawsuits pursuant to Section 14012 of the 2008 Farm Bill. While none of these cases has been certified as a class action, the government has expressed its desire to settle these on a classwide basis and you have announced your intention to appropriate an additional $1.25 billion to cover their damage claims. Third, of the four identical cases handled by three different judges, two judges have certified classes on the basis of USDA's admitted failure to investigate discrimination claims. Fourth, class certification is a procedural matter that does not address the underlying discrimination that is in fact admitted.

Secretary Dan Glickman, the original defendant in all four cases, has testified before Congress that USDA has ''a long history of

. . . discrimination'' and that ''[g]ood people . . . lost their family land not because of a bad crop, not because of a flood, but because of the color of their skin.'' Rosalind Gray, a former director of USDA's Office of Civil Rights, has testified that ''systemic exclusion of minority farmers remains the standard operating procedure for FSA [the Farm Service Agency].''

In addition, both during his confirmation hearing and subsequently, Secretary Vilsack made strong statements expressing the administration's desire, consistent with Section 14011 of the 2008 Farm Bill, to settle all of the pending discrimination cases. Unfortunately, USDA's action have fallen short of the promises contained in Secretary Vilsack's statements. Indeed, the refusal by USDA and DOJ to entertain settlement discussions on a classwide basis is totally at odds with the clearly expressed will of Congress as expressed in Section 14011 and irreconcilable with Secretary Vilsack's repeatedly stated desire to settle all the pending lawsuits. Furthermore, it makes no sense for four minority groups to suffer the identical discrimination from the same federal agency and yet only one of the four groups to be compensated on a classwide basis. The Clinton Administration properly saw fit to order USDA and DOJ to begin negotiations with the representatives of the African American farmers when confronted with the obvious injustice in that case. In announcing last spring an additional $1.25 billion for African American farmers who missed the filing deadline in my case, you stated your hope that your action would ''close a chapter'' in the sorry history of USDA discrimination against minority farmers. Mr. President, fundamental fairness and simple practice demand that you close the entire book on all discrimination at USDA and, consistent with Section 14011, ''resolve all pending claims and class actions in an expeditious and just manner.'' (Emphasis added.) The only thing standing between ''an expeditious and just'' resolution of these cases is the will to do it. You, sir, are in a unique position to end once and for all USDA's all-too-well deserved reputation as ''the last plantation'' and to bring long-overdue accountability and transparency to the USDA-administered farm credit and non-credit farm benefit programs.

Respectfully,

TIMOTHY C. PIGFORD.

Mr. MENENDEZ. We urge Secretary Vilsak to ensure all farmers will be granted the same consideration so they can begin to rebuild their lives and their farms this year. Despite clear language in section 14011 of the Food Conservation and Energy Act of 2008, which urges the administration to settle lawsuits brought by Hispanic and other farmers, the administration clearly needs to assure Hispanic farmers, many who have come to me, Senator BENNET, and others to ask for help, that it fully intends to address these cases consistent with section 14011 of the 2008 farm bill.

We simply cannot continue down this winding road to nowhere. To ignore the plight of the thousands of Hispanic farmers, families who seek nothing more than justice, who want only a chance to keep the farms and ranches they worked so hard for all of their lives, is wrong.

For 8 years, thousands of families like the Chavezes were ignored. Now we need to change that. We need to move quickly to resolve what is clearly and patently unfair and unjust. You will never turn the page on the past discriminatory practices within USDA until all victims—every last one of them—are made whole for the loss of their land, their dignity, and their hope for a decent life for themselves and their families. Let us move quickly to give them the chance they have waited for, the chance to rebuild their lives.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, I am very pleased to rise today to join the Senator from New Jersey to discuss the injustices committed against Hispanic farmers over the course of many years. I also thank Senator MENENDEZ, the congressional Hispanic caucus, and my colleagues who have come to the floor to demonstrate their leadership on this issue.

For the reasons Senator MENENDEZ laid out, it is long past time to call attention to this indefensible injustice and to lend our voices to a better way forward. As is well known, for years—decades—minority farmers were systematically discriminated against when they visited local USDA farm service agency offices all across this country. They were denied loans and farm program assistance because of their skin color, ethnicity, or gender. Senator MENENDEZ did a good job describing the case.

I want to give some examples from my State, because in many cases, because of this discrimination, these farmers lost their livelihoods and their way of life. If we choose to let some of them make their case, and deny that chance to others, then we repeat these historic civil rights wrongs all over again.

Among the many letters I have received is a declaration from Mr. Gomez of Alamosa, CO, a former USDA employee who served his country for 30 years. In seven pages of excruciating detail, Mr. Gomez explains how he, as a loan officer, witnessed discrimination in granting of FSA loans. Reasons loans were denied were recorded as ''insufficient experience,'' or other subjective terms. As Mr. Gomez gained more responsibility, he was eventually in a position to review loan applications from around the region he supervised, and he became increasingly aware of a pattern of discrimination.

In another letter, Mr. Sandoval of Antonito, CO, tells of repeatedly being turned away from local loan offices and denied FSA loans on grounds that he did not have the ''character'' necessary. Mr. Sandoval explains how his inability to access credit through the USDA limited his ability to grow his farming operation and become a more successful farmer.

Another Mr. Sandoval of Commerce City, CO, writes:

> This has been going on for so long that some farmers have lost their lives waiting for justice to prevail.

Mr. DeHerrera, also of Antonito, CO, writes:

> In desperation, I approached [someone] at the . . . FSA to request a loan of approximately $80,000 so I could at least keep the farm from being foreclosed. . . . He told me very hatefully that they refused to approve either my loan or the loan of the Sandoval brothers.

He continues:

> I am convinced [FSA] refused to approve the Sandoval's loan because both the buyer and the seller of the farmland to be purchased were Hispanic American farmers.

Reading through the many letters I have received from Hispanic farmers in Colorado and the meetings I have had all across my State and the letters from people all over the country, a pattern emerges—one of thinly veiled discrimination that starts by discouraging Hispanic farmers from applying for FSA loans in the first place. All too frequently, this discrimination resulted in the loss of a farm and the loss of a way of life.

I have had farmer after farmer say they had to get out of the business of farming, that they could not leave their farms to their children, which is the only dream they have in their life, because of the discrimination they suffered at the hands of our Federal Government.

President Obama's new Agriculture Secretary, Tom Vilsack, has repeatedly, much to his credit, emphasized his commitment to addressing the longstanding civil rights problems that have plagued the Department and to charting a new era. I commend the Secretary's commitment and the dedication the Obama administration has made to chart a new future for the USDA.

Yet that does not fix the wrongs of yesterday. Congress has taken some positive steps, and the administration has created a process for resolving the claims of some minority farmers, even dedicating significant funds toward this end. But a path to justice has not yet been charted for Hispanic farmers.

The best way America can send a message that our government will not discourage minorities from participating in public programs, will not discriminate against them, is proactively to pursue justice.

It is time the administration and Congress come together and do more than just acknowledge past wrong doing at the USDA. It is time to address that wrongdoing.

I will say that my predecessor in this job, Ken Salazar, our great Senator from Colorado, now our Interior Secretary, comes from a part of my State called the San Luis Valley. Ken Salazar's family settled that land long before Colorado was even a State. If you drive down there and visit San Luis, what you will see is an irrigation ditch that was dug before our State was even a State. Among the names of the people, the names of the farmers and the ranchers who were entitled to take water from that ditch because

they had been there, and had been there to dig that ditch, is the name Salazar, the proud name Salazar. It is wrong, after generations of people have committed their lives and their families to agriculture in places such as Colorado and all across the country, that we have discriminated against them for decades and, when that discrimination is discovered because of some legal technicality or because they got the wrong judge, they find themselves unable to redress that discrimination.

I am very pleased to have the chance to be here today with Senator MENENDEZ and other colleagues to call this to the attention of the administration and to say that we need to do more than just acknowledge this problem. It is time for us to help address the problem.

Madam President, I yield the floor.

Mr. UDALL of Colorado. Madam President, today I join my colleagues in bringing this body's attention to an issue of fundamental fairness that continues to remain unaddressed.

More than 10 years ago, Hispanic farmers from my home State of Colorado joined other Hispanic farmers throughout the country to stand up against injustice. They chose to confront—rather than accept—discrimination when they filed their case against the U.S. Department of Agriculture on grounds that the Farm Service Agency denied loans and disaster benefits in violation of the Equal Credit Opportunity Act and the Administrative Procedure Act.

Earlier this month, I met some of these farmers in Colorado's San Luis Valley. Many of these men and women proudly trace their heritage to some of the first settlers of Colorado who were the first to till the soil of the San Luis Valley and establish Colorado's earliest farming communities, spurring the development of southern Colorado.

Now, I understand that every farmer takes on enormous risk to keep our country fed and prosperous. Yet when these farmers applied for Federal assistance intended to make them whole again—assistance intended to help family farmers stay in business—the record suggests that this aid was denied or delayed, not because their request lacked merit but because of their Hispanic heritage.

I found that shocking. It wasn't any weather event that led these men and women to financial hardship or the loss of their family farm. The obstacles they faced when applying for a loan or disaster assistance were far worse than any drought, flood, hail or windstorm they had ever confronted. It was discrimination based on their heritage that kept them from receiving timely support from an agency whose mission is to support all of America's farmers equally.

Evidence of discriminatory practices in the U.S. Department of Agriculture is an unfortunate and shameful part of our history. On several occasions, I have joined my colleagues in the Senate and in the House to express our desire to bring this disgraceful chapter to a close. During the most recent debate on America's 2008 farm bill, we affirmed that it is the sense of Congress that all pending claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers be resolved in an expeditious and just manner.

I would like to acknowledge that Secretary of Agriculture Tom Vilsack has been courageous in this matter, and I am pleased that the administration views this as a priority. I am also pleased that the Secretary has expressed his intent to ensure that no other farmers experience the same discrimination and that he will take definitive action to improve USDA's record on civil rights. I remain ready and willing to work with the administration and my colleagues to support this policy.

I want to emphasize that this is an issue of fundamental fairness. The sooner we can resolve this, the sooner we can look forward to a USDA that serves all Americans equally. It is my hope that these cases be resolved expeditiously and fairly so that the farmers and their families who have suffered the real effects of discrimination can finally put this matter to rest.

COMMENDING ROBERT C. BYRD

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 354, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

S. RES. 354

Whereas, Robert C. Byrd has served for fifty-six years in the United States Congress, making him the longest serving Member of Congress in history,

Whereas, Robert C. Byrd has served over fifty years in the United States Senate, and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, Robert C. Byrd has had a long and distinguished record of public service to the people of West Virginia and the United States, having held more elective offices than any other individual in the history of West Virginia, and being the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator;

Whereas, Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, Robert C. Byrd has throughout his service in the Senate vigilantly defended the Constitutional prerogatives of the Congress;

Whereas, Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: now, therefore be it

Resolved, That the Senate recognizes and commends Robert C. Byrd, Senator from West Virginia, for his fifty-six years of exemplary service in the Congress of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, when Senator ROBERT C. BYRD first entered the Senate in January 1959, he shared the floor with three future Presidents: Senators Lyndon Johnson, John Kennedy, and occasionally, when a tie-breaking vote was needed, Vice President Richard Nixon. Those men now belong to history, but Senator BYRD is still making history.

It is an honor to see him make history, once again, as he becomes the longest serving Member of Congress in the history of America. He has given 56 years, 10 months, and 16 days—a total of 20,744 days—of dedicated service to the Congress, to the Constitution of the United States of America, and, of course, to his beloved West Virginia. What a remarkable achievement.

Senator BYRD's masterful, four-volume history of this body is the definitive account. His own historical records could fill nearly a volume of history for the Senate on its own. He served in Congress with—not under—11 different Presidents. Three and a half years ago, he became the longest serving Senator in our Nation's history, and he is the only Senator ever elected nine times to the Senate. He has cast more votes—18,585—than any other Senator in history. All these records are unlikely ever to be broken.

He has also presided over both the shortest session of the Senate in history—six-tenths of a second on February 27, 1989—and the longest continuous session—21 hours, 8 minutes—on March 7 and 8, 1960. He has held more leadership positions—majority whip, minority leader, majority leader, and President pro tempore—than any other Senator in history.

During the administration of President Jimmy Carter, Senator BYRD, then the majority leader of this body, was criticized by some for not doing enough to help the President of his party. Senator BYRD replied:

I am not the President's man. I am a Senate man.

He is a passionate and unyielding defender of Senate rules and prerogatives—not as an end in themselves but as a means of preserving our Constitution and our balance of power.

I will always remember his eloquent and valiant effort which he waged in 2003 to try to persuade this Senate not to grant broad war-making authority to the executive branch. He was a true study in political and moral courage and it was not missed on the population of America. When my wife and I attended church in Chicago at Old St. Patrick's, our regular parish, after the